

APPROVED: Meeting No. 05-97

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 39-96

October 28, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 28, 1996, at 7:35 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn expressed appreciation to the Mayor and Council for their support and participation in the Maryland Municipal League Legislative Conference which was held in Rockville. The League sent the City its thanks for hosting the event and opening Rockville's various facilities to conference attendees. The League labeled the Conference a tremendous success.

2. A Neighborhood Advisory for the Watts Branch Sanitary Sewer issue was recently distributed with an invitation to participate in a planned walk on Saturday, November 2nd. Citizens are asked to meet staff at 10:00 a.m. at the stream

crossing on Carnation Drive. The walk will focus primarily on the stream valley and residents are advised to wear appropriate clothing and foot gear to walk along the stream banks. As a result of the October 21st Worksession on the Watts Branch, a public hearing has been scheduled for November 18th. Persons interested in speaking are asked to contact the City Clerk's office to sign up on the speaker's list.

3. Mr. Kuckkahn clarified one of the points brought up at the October 21st Worksession and widely publicized. The issue concerns the sewer rate structure and how it could be impacted depending upon which alternative is selected. Mr. Kuckkahn said that there is currently an existing sewer line running down the Watts Branch. Running a second line or replacing the old sewer line to add capacity is considered a normal engineering practice. The current line is a gravity fed sewer. Combining the sewer project with badly needed stream restoration and storm water detention as well as installing a bikeway over the top of the sewer line, combines the environmental impacts of all the operations into one single time frame, rather than returning with the same equipment several times. Mr. Kuckkahn said that staff believes that in the long-term, the project combination will stabilize the environment. While staff is continuing to study the project combination idea, it appears that no irreplaceable environmental features are present. The project construction activity would be limited to the area cleared for the original sewer line and this further confined impacts. The project includes significant mitigation measures and staff felt that the majority of long-term negative environmental

Meeting No. 39-96

3

October 28, 1996

impacts would be minimized. Since the gravity flow alternative is phased in smaller segments over time, the financial impacts would be spread out over time. This brings new growth and financing into place. In other words, the progression of development will be in line with sewer improvements and we will be able to more evenly distribute costs and minimize the risk of rate increases.

Mr. Kuckkahn said that a second option worthy of further investigation was a force main where pipes are placed in areas regardless of gravity. The effluent is pumped through those pipes to its destination. While this alternative reduces environmental impact in areas like the Watts Branch Creek, it moves the impacts to others. The additional financial burden of such an approach is significant since the project would have to be installed in much larger segments. The total cost is also much higher for this alternative. This is what was referred to as the most expensive option, where very large influxes of capital would be required to finance the project.

While staff thought that the alternatives had been exhausted, they are committed to continuing work on all of them and would welcome the public's suggestions on other options. The public record file and consultant's report are available through the City Clerk's office and the Twinbrook and Rockville Libraries.

4. Citizens are asked to put their outdated telephone books out for recycling December 2-6, when the City is scheduled to pick these up.

5. Residents will have noticed that a great deal of tree leaves fell suddenly as a result of rain and wind conditions. Residents are asked to bear with the City in following the new schedule for leaf pickup. The schedules can be found in Rockville Reports. If there is a significant accumulation of leaves during the holidays, the City will catchg up in those areas where pickups are not normally scheduled.

6. On October 20, some members of the Mayor and Council attended the Wootton Community Funfest, and despite inclement weather, the event was very successful. Students of all educational levels paraded, entertained and provided food and information to those attending the fair.

7. On November 11, the City will celebrate Veterans Day with a ceremony in Veterans Park. American Legion Posts 86 and 151, the Fleet Reserve Association (Triangle Branch 182), Disabled American Veterans (Rockville Memorial #12) and the Rockville Washington Elks Lodge #15, will all be participating. This year's ceremony will include a special musical treat provided by Richard Montgomery High School Band. American Legion Post #86 will hold an Open House immediately following the ceremony.

8. Mr. Kuckkahn noted a number of City facility and event closings on Election Day, Veterans Day, Thanksgiving Day and the Friday following Thanksgiving.

9. Rockville Runfest was held October 20; there were 589 runners for the 5 and 10K race. The City coordinated the annual event along with the Montgomery County Road Runners Club, Montgomery Amateur Radio Club, and the Rockville Senior High

Meeting No. 39-96

5

October 28, 1996

School Key Club. Major sponsors of the event were Racquet and Jog and Hard Times Cafe.

10. The Lincoln Park Community is sponsoring a charette to discuss the Lincoln Park Pedestrian Bridge. An Open House is scheduled for November 1st in order to offer an orientation on the issue. On Saturday, November 2nd, a structured facilitation meeting will take place to explore issues in greater detail and to begin formulating an approach for how to deal with bridge.

Mayor Krasnow said that the Visioning process which began over the summer with the appointment of a Steering Committee, is rapidly beginning to take place. A series of community meetings will take place November 13-17. All six meetings (the schedule can be found in Rockville Reports) will occur in different parts of the City in order to allow everyone an opportunity to attend one of the meetings.

On behalf of the Mayor and Council, Mayor Krasnow extended condolences to the family of Elbert Israel, who passed away last week. The Mayor said that the Israel family has been a long standing and active family in Rockville. Mr. Israel was one of the first professional Afro-American baseball players.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Lois Darling introduced members of the Study Panel for the Senior Center expansion issue. Ms. Darling said that in July 1995, the Mayor and Council requested

that the Senior Commission establish a panel to study future needs of the Senior Center. The Panel, jointly formed by Rockville Seniors, Inc. and the Senior Citizens Commission, developed a survey form for seniors and soon to be seniors residing in Rockville. The survey was also included in the May issue of Rockville Reports. Over 1,000 replies were received and the Panel was asked to present the survey results to the Mayor and Council at the annual Worksession in April. The Panel was present this evening to discuss Center activities from September 16 through October 11, 1996 as documented by senior Center records. Membership activities during this period was challenged by a study conducted by Potomac Nursery School (PNS). Ms. Darling said that the study showed that the Center was more busy than originally thought and it confirmed the urgent need for the rooms currently occupied by PNS. The study also showed that the Senior Center can provide Rockville seniors with the opportunity to participate in activities that they have requested without additional costs to the City for constructing a new building.

2. Virginia Onley, Chair, Senior Citizens Commission outlined an accurate account of the activities that occurred from September 16 through October 11, 1996. She said that it was only fair to actually count activities and people participating in the activities, as opposed to people in each room. Ms. Onley said that there was such a discrepancy in the data provided by PNS compared to the data given to her by staff, that she personally went by the Center to determine how the staff actually tracked the activity. Staff showed her sign-in sheets used to track each activity. Ms. Onley explained the

Meeting No. 39-96

7

October 28, 1996

sign-in process for each activity and the uses for all rooms, including the dedicated-use only rooms (e.g., the kitchen) as well as limited use rooms and other areas. Ms. Onley also displayed charts showing the income derived from the multi-purpose rooms when they are not in use by the seniors. Income projected for 1997 is \$37,387 and it includes \$17,880 collected from PNS. However, the Study Panel felt that once they gained the use of the three rooms in use by PNS, they would be able to recoup some of the income. Ms. Onley also said that inter-generational activities have been limited with PNS. She also expressed concern that the staff and parents of PNS felt that they were being evicted, and she emphasized that it was not an eviction; the Senior Center was simply not going to renew the lease. She said the other alternative was to ask the Mayor and Council to build a new building. Ms. Onley reminded the Mayor and Council that children are the future; however, she asked that the Mayor and Council consider that when promises are made to a child the chances are very high that they will be around for that promise to be fulfilled. When a promise is made to a senior citizen, there is a great possibility that the seniors may not be around when those promises are ready to be fulfilled.

3. Marty Roney, Senior Citizens Commission presented the final results of the Senior Center Utilization Study conducted by the Survey Panel. Ms. Roney said that while seniors expressed a wish for a pool, the Panel recommended that senior swimming activities continue to be at the Rockville Swim Center with bus service provided for those seniors who needed it. Other responses showed that a computer lab was a first priority

among 50 year old members. Ms. Roney said that computers would be made available without expenditure of any City funds; however, she noted that a room for the computer project was needed. Fitness was also a high priority. She said there was over \$25,000 in exercise equipment in storage because of the lack of space. Ms. Roney said that there were also other activities (card games, pool, etc.) that room was needed for. Ms. Roney noted that there were 1,600 senior members involved in activities at the Center.

4. Mary Ryan, RSI Board Member and Survey Panel Member reiterated that a great deal of thought, discussion and meetings went into the Panel's decision to use the existing space in the Center, rather than recommend funding for a new building. Ms. Ryan said that the Center's primary purpose was to serve the seniors. The Center is a tax and volunteer supported facility. Seniors pay taxes and they volunteer for many of the functions at the Center. In addition, they sponsor fundraising activities. Profits from the money making activities are returned to the Center, and in 1996, the Center contributed more than \$70,000 for furniture to accompany renovations at the Center. In addition, for many years, the Center has made \$20,000 contributions to the City to help offset operating expenses. The Center is also used for City classes and community activities and Ms. Ryan said that the additional rooms would also be available for this type of use. Ms. Ryan thanked the Mayor and Council for the past support. She said she hoped they would continue their support by upholding their direction that staff explore the idea of reclaiming the nursery school space.

Meeting No. 39-96

9

October 28, 1996

5. Bob Mentzer, former Chairman, RSI Board of Directors spoke of the many volunteer activities and fundraising activities that RSI has been involved in. He expressed his concern about PNS' claim that the Seniors had "evicted" the nursery school. Mr. Mentzer said the Senior Center is like a second home to the members and the word "eviction" was hard on the seniors' image. Mr. Mentzer said that the seniors questioned why they had to defend themselves when the building existed for their primary use.

6. Alan Goodfader, Senior Center Member attested to the overcrowding at the Senior Center. He said that he found it puzzling to be told that a building owned by the City of Rockville, dedicated to a particular use, had to defend its uses against a private use.

7. Louise Gregory, Rockville Senior Center Employee attested to the fact that the Senior Center was very busy and that the rooms were fully utilized.

Re: Appointment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Anita Neal-Powell was appointed to serve as Chair of the Historic District Commission.

Re: Approval of Minutes

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 35-96 (September 16, 1996) were approved as written.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Minutes of Meeting No. 36-96 (September 24, 1996) were tabled to the next General Session so that the City Clerk could clarify comments made by Councilmember Harrison and to make other corrections noted by Councilmember Dorsey.

Re: Consent Agenda

Mayor Krasnow requested removal of Consent Agenda Item B. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (A) Renewal of Bid #IFB65000015  
(Montgomery County)  
To: Morton Salt Division  
Of: Chicago, IL  
In the amount of: \$79,966.80  
  
For: Renewal of Requirements  
Contract for Purchase of Road Salt  
Through Metropolitan Council of  
Governments.
- (C) Approval of request for reduction from  
required setback from property line for  
a monopole at 14500 Avery Road  
(Redgate Golf Course).
- (D) Introduction of Ordinance to grant  
Application to Close and Abandon  
Public Way SCA96-0074, Rockville  
Center, Inc., Applicant.

Meeting No. 39-96

11

October 28, 1996

To close and abandon a portion of Mall Turnaround, Ramp Road and Truck Street in the Mid-City Urban Renewal Project area.

Re: (Item B) Award of RFP  
#27-97

To: Feather and Associates  
Of: Frederick, Maryland  
In the amount of: \$25,000

For: Master Street Tree Plan

Mayor Krasnow requested removal of Item B in order to bring the item to the attention of citizens and to ask a few questions. She said that the inventory project would develop a needed comprehensive master street plan for public rights of way throughout the City. The City maintained 21,000 street trees. Mayor Krasnow said the City received four bids which were ranked by staff. The lowest priced bid was not chosen; however there was no indication what criteria entered into the decision to award the bid other than cost. Mayor Krasnow also said that in addition to an overall master plan, the City hoped to discontinue planting rows of the same tree on the same street because if the trees were afflicted by disease, the City would lose all the trees at once. Mayor Krasnow said that the staff report addressed a problem experienced in Twinbrook. She noted there were other neighborhoods with specific tree problems and she asked if those would also be included in the scope of the survey.

Burt Hall, Director of Recreation and Parks said that the contract was a

professional services contract. The City looked at several factors, including price. These factors were: (1) experience in providing the type of service needed, (2) technical qualifications of the specific staff from the consulting firm assigned to the project, and (3) fee. Mr. Hall said that staff felt that Feather and Associates provided the best combination of the three factors. Responding to Mayor Krasnow's second question, Mr. Hall said that the survey would look at the entire street tree inventory around the City with a particular focus on some of the known specific neighborhood problems, e.g., Twinbrook. Mr. Hall said that the consultant would also be asked to take a look at other neighborhoods identified. Mr. Hall said that notice would be placed in the City Newsletter and on cable to encourage residents to notify the City about specific street tree problems.

Councilmember Marrinan asked how public input would be included in addressing some of the issues for the contract. Mr. Hall said that there may be plans to conduct public forums and staff would also attend neighborhood association meetings as part of the process. Mr. Marrinan noted that Feather and Associates had participated in an Integrated Pest Management Program and he asked that information about the program be shared with the public.

Councilmember Dorsey inquired whether the survey program included an inventory of special types of trees on private properties. Mr. Hall said that the City Forester was aware of such trees and consulting was conducted for trees on private

Meeting No. 39-96

13

October 28, 1996

properties; however, no formal City inventory is kept for trees on private property. Upon motion of Mayor Krasnow, duly seconded and unanimously passed, the RFP was awarded to Feather and Associates.

Re: Adoption of Ordinance to Levy Special Assessments for Driveway Aprons constructed in Fiscal Year 1996. The City performed 21 driveway apron jobs requested by the residents. The assessable cost is \$15,967.01.

Ordinance No. 15-96

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance to Levy Special Assessments for Driveway Aprons constructed in Fiscal Year 1996 was adopted. A copy of the Ordinance may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to amend the Zoning Map by adding 3.86407 acres of land, more or less, of Alice Kelly and Montgomery County, Maryland, and placing said property in the I-1, Service Industrial Zone. Annexation Petition ANX96-0122, Alice Kelly, Petitioner.

To establish zoning of approximately 3.6 acres on Dover Road south of Gude Drive.

Ordinance No. 16-96

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Ordinance to amend the Zoning Map was adopted. A copy of the Ordinance may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Approval of a Revocable License Agreement between the City and Peter G. Sulzer and Martin F. Lynott, Trustees for the Bullis Tract Joint Venture, authorizing, under conditions, the maintenance of a paved area, lighting, a fence and gate, and certain other related improvements servicing the Rock Creek Woods apartment on a minuscule portion of Twinbrook Park adjacent to the apartment property. Authority for the City Manager to execute such a Revocable License Agreement in a form satisfactory to the City Manager and the City Attorney.

Mr. Hall explained that the apartment owner had experienced problems with people crossing his parking lot to enter the park. The owner asked that the City install a fence along the park border. The City does not normally fence the parks and refused the request. The owner then announced that he would put up a fence on his own property. The City surveyed the property line and in doing so, discovered that when building the parking lot over 25 years ago, the owner encroached onto the parkland. The City decided to approve the owner putting the fence up along the back of the parking lot which meant

Meeting No. 39-96

15

October 28, 1996

that the fence would also encroach onto that small portion of City property. Mr. Hall said that staff did not feel that this was enough of a problem to force the owner to remove his parking lot off City property. Mr. Hall said that for many years the City has gone across the parking lot with maintenance equipment to enter that section of the park. Once the owner installed the fence, the City would no longer have access to the park unless a gate was included. To create access from another section of the park would have meant cutting down a number of trees and installing some type of road. Therefore, the City asked the apartment owner to install a gate as part of the fence. The Owner implied that since it was the City that needed a gate, the City should pay for it. Since the owner was willing to continue to give the City access across the parking lot to access the park, the City agreed to pay for a gate. Mr. Hall noted that the owner had originally asked for an easement; however the City Attorney advised against this since easements ran perpetually with the land. A situation might arise when the City would need to use the portion of parkland and the owner would be holding an easement. The City Attorney agreed that the best option was to give the owner a revocable license.

Mayor Krasnow said she had no problems with the City paying for the gate since we needed it. She also said that it was better for the City to have the license as opposed to granting an easement for the portion of the parkland.

Councilmember Harrison said that he did not see why the issue about paying for the gate came up at all since Joseph Lynott (Attorney representing the

apartment owner) seemed amicable that the owner pay for the gate. Mr. Hall said he believed that Mr. Lynott was in error; the owner had requested that the City pay for the gate and this is what resulted in the City paying for it.

The Mayor and Council separated out the two issues: (1) the approval of a revocable license and (2) who should pay for the gate. In response to Councilmember Marrinan's question, Mr. Hall clarified that the City had already reimbursed the owner for the cost of installing the gate. Staff recommended that since the gate was already paid for, the revocable license Agreement should be approved without asking the owner to reimburse the City for the cost of the gate. Mr. Marrinan said that the cost of the gate was only \$240. He said that in the interest of being neighborly, the Mayor and Council should approve the agreement. Councilmember Wright seconded Mr. Marrinan's comments as a motion. Mr. Wright said that the alternatives were to have the owner move the parking lot or he could choose to put up a fence without a gate which would deny the City access. Mr. Wright agreed that it was best to go forward with the proposal as it was presented. Upon motion of Councilmember Marrinan, duly seconded and passed by a 4 to 1 vote (Councilmember Harrison voted "nay"), the revocable license agreement between the City and Peter G. Sulzer and Martin F. Lynott, Trustees for the Bullis Tract Joint Venture was approved, without additional exchange of money.

Re: FYI/Correspondence

1. Councilmember Wright mentioned that the Maryland Municipal League held

Meeting No. 39-96

17

October 28, 1996

their Legislative Conference in Rockville. At the conclusion of the Conference, the delegates passed a Resolution expressing their appreciation for Rockville hosting the Conference. MML President Mary Pranglely wrote a letter to Mayor Krasnow thanking the City and in particular, City staff, for the excellent job they did in arranging for the conference and being on hand to assist the participants. Councilmember Wright added his appreciation to City staff as well.

2. Councilmember Marrinan noted that the Human Services Policy Subcommittee met three times to develop a draft Human Services Policy and some recommendations for a Human Services Commission. The Committee decided to extend its process for an extra month in order to allow adequate opportunity for input from the various stakeholders involved. Mr. Marrinan said that the subcommittee hoped to complete its work by early December.

3. Mayor Krasnow mentioned that the Police Department had developed a short form for employees' to use to note typical problems street (e.g., potholes, bent or missing traffic signs, etc.). She said that the form could be extended to anyone interested in helping the City identify problems before they become serious. Mr. Kuckkahn agreed and said that the forms would be made available to any individual or homeowner association who was interested.

4. Mayor Krasnow noted the number of letters received complimenting and thanking different members of staff for their help over the past month. The Mayor said it

Meeting No. 39-96

18

October 28, 1996

was nice when people took the time to write and express their appreciation. She thanked staff for continuing to do a good job.

Re: New Business

There being no new business items for discussion by the Mayor and Council, Mayor Krasnow declared this portion of the meeting closed.

Re: Adjournment to Executive Session

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, with Mayor Krasnow and Councilmembers Dorsey, Harrison, Marrinan, and Wright voting "aye," the Mayor and Council adjourned to Executive Session at 8:50 p.m., pursuant to Section 10-508(a)(7) of the State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.